

## **INTRODUCTION**

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard. The Board has voted no action on several of the 10 registered voters articles since in some instances the requested action can be accomplished without a Town Meeting vote. The Board appreciates the proponents having brought these matters forward.

The Board knows that the Town Meeting will give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes the Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

### **ARTICLE 2**

### **STATE OF THE TOWN ADDRESS**

**VOTED:** That the Chair of the Board of Selectmen address Town Meeting under this article to review important events of the past year and preview expectations for the upcoming year. (5-0)

**COMMENT:** Vision 2020 submitted this article to bring the traditional State of the Town Address under the aegis of Town Meeting. This shift in scheduling will eliminate the expense and difficulty of mailing invitations and providing a separate forum for the State of the Town address outside the confines of Town Meeting. The Board supports the simpler and more streamlined presentation of the State of the Town Address on the first night of Town Meeting.

### **ARTICLE 4**

### **APPOINTMENT OF MEASURERS OF WOOD AND BARK**

**VOTED:** That the Measurer of Wood and Bark and other usual Town officers be appointed by Town Meeting. (5-0)

**COMMENT:** The Board supports favorable action under this standard article.

### **ARTICLE 5**

### **ELECTION OF ASSISTANT TOWN MODERATOR**

**VOTED:** That the Assistant Town Moderator be elected by Town Meeting. (5-0)

**COMMENT:** The Board supports favorable action under this standard article.

## **ARTICLE 12**

## **ZONING BYLAW AMENDMENT/ZONING BOARD OF APPEALS**

**COMMENT:** The Board submitted this article to amend the Zoning Bylaw to increase the number of members of the Zoning Board of Appeals from three to five. In conducting interviews to appoint new ZBA members in 2009, Board members learned of the difficulty of convening a quorum, particularly for matters requiring multiple days of hearing, and noted the outstanding pool of candidates who applied for positions on the ZBA. Although the Board submitted this article and supports favorable action under it, the recommended vote under this article will come from the Arlington Redevelopment Board, as the entity charged by law with hearing and reporting on warrant articles for the amendment of zoning bylaws. (5-0)

## **ARTICLE 13**

## **RESOLUTION/MEDICAL OFFICE BUILDING SYMMES**

**VOTED:** The Board will report to Town Meeting under Article 13. (5-0)

## **ARTICLE 14**

## **LOCAL ACCEPTANCE/STRETCH ENERGY CODE**

**VOTED:** That the Town does hereby adopt the provisions of 780 C.M.R. 120.AA (the so-called “Stretch Energy Code”), including any subsequent amendments or modifications thereto, such adoption to be effective January 1, 2011. (5-0)

**COMMENT:** An optional appendix called the “Stretch Energy Code,” 780 C.M.R. 120.AA, has been added to the state building code. The Stretch Energy Code requires more energy efficiency in new construction and renovations than the efficiency required under the regular (“base”) building code. The Stretch Energy Code is implemented through the Home Energy Rating System; under which specialized raters classify structures according to their energy efficiency. Adoption of the Stretch Energy Code will enable the Town to meet one of the five criteria for being designated a “Green Community” under the Green Communities Act. The Director of Inspections and the Director of Planning and Community Development will hold an informational meeting about the Stretch Energy Code for Town Meeting members on April 27. The Board of Selectmen supports this step toward making homes and businesses in the Town more energy efficient.

## **ARTICLE 15**

## **BYLAW AMENDMENT/NUISANCE FIRE ALARMS**

**VOTED:** That Title VI of the Town Bylaws be and hereby is amended by adding the following new Section 3 to Article 2 (“Fire Prevention Code”):

### **Section 3. Nuisance Fire Alarms**

#### **A. Definitions.**

**“Malicious Fire Alarm Activation” shall mean any intentional manual activation of any fire alarm system by someone without a reasonable belief that a fire or other emergency situation requires assistance.**

**“Nuisance Fire Alarm Activation” shall mean any activation of an automatic fire alarm system caused by (i) mechanical failure or malfunction; (ii) improper installation; (iii) insufficient or improper maintenance, including failure to disable alarm system before starting work; or (iv) improper use.**

**“Nuisance Fire Alarm Activation” shall include recurrent or otherwise reasonably foreseeable Malicious Fire Alarm Activation that the Responsible Alarm User has failed to take reasonable steps to prevent.**

**“Responsible Alarm User” shall mean the owner, tenant, or manager of any commercial or residential property equipped with an automatic fire alarm system.**

**B. Penalties for Nuisance Fire Alarm Activation.**

**The following penalties shall be assessed on the Responsible Alarm User or Users for Nuisance Fire Alarm Activations occurring within one calendar year.**

**First Occurrence: oral warning  
Second Occurrence: oral or written warning  
Third Occurrence: \$50  
Fourth Occurrence: \$100  
Fifth Occurrence: \$200  
Sixth and Subsequent Occurrences: \$300**

**A series of Nuisance Fire Alarm Activations occurring within 8 hours and attributable to the same cause or occurring under circumstances attributable to the same cause beyond the control of the Responsible Alarm User shall be considered one occurrence of a Nuisance Fire Alarm Activation.**

**Any third or subsequent occurrence may be treated as a second occurrence if, in the reasonable judgment of the Fire Chief or his designee, the totality of the circumstances warrant such treatment.**

**Any failure by the enforcing authority to issue a written warning for a second occurrence shall not bar the imposition of monetary penalties for a third or subsequent occurrence.**

**C. Exemptions. No fine shall be assessed and no warning shall be given for fire alarm activations attributable to the following causes: (i) an actual fire; (ii) smoke from a source such as burning food or overheating in a motor, electrical appliance, or other equipment; or (iii) activation of a manual pull station by**

someone with reasonable cause to believe such activation is warranted by an emergency situation.

**D. Penalties for Malicious Fire Alarm Activation.** A fine of \$300 shall be assessed for every instance of Malicious Fire Alarm Activation.

**E. Enforcement.** In addition to the enforcing authority set forth elsewhere in these Bylaws, the enforcing authority for this section shall be the Arlington Fire Chief or his designee. Enforcement of this section shall be through the non-criminal disposition procedure set forth in Section 21D of Chapter 40 of the General Laws or by criminal indictment or complaint under Section 21 of Chapter 40 of the General Laws. (5-0)

**COMMENT:** The Fire Chief submitted this article to propose a new Bylaw addressing the problem of nuisance fire alarms. The Fire Department spends significant time and effort responding to false fire alarms cause by insufficient or improper maintenance, incorrect use, or faulty installation of automatic fire alarm systems. Persistently malfunctioning alarms are not only burdensome to the Fire Department, but also dangerous to building residents and disturbing to neighbors. Malicious activation of fire alarm systems is another drain on Fire Department resources that the Department has only limited ability to address.

The Fire Chief is seeking adoption of a Bylaw to fix a system of penalties for false or nuisance alarms. These penalties would range from a warning for a first offense to increasing fines for subsequent offenses up to a limit of \$300 per offense. The maximum fine of \$300 would be imposed for a malicious false alarm. No penalty would be imposed for an alarm activated to signal real danger or a good-faith belief of real danger. The Fire Chief is looking for a way to address repeated problems that go unaddressed due to the negligence of building owners, not to punish occasional errors or malfunctions. The Fire Chief hopes that imposition of penalties for persistent false alarms will encourage good installation, maintenance, and use practices among building owners using alarm systems, as well as deter intentional misuse of these systems. The Board of Selectmen supports favorable action under this article to provide the Fire Department with this tool to manage the problem of false fire alarms.

## **ARTICLE 16                                      BYLAW AMENDMENT/PUBLIC CONSUMPTION OF MARIHUANA**

**VOTED:**        That Section 2 (“Violation and Penalties”) of Article 7 (“Public Consumption of Marihuana or Tetrahydrocannabinol”), of Title VIII of the Town Bylaws, be and hereby is amended by (a) deleting from the first sentence the words “up to”; and (b) adding to the end of the first sentence the words “or by non-criminal disposition under General Laws Chapter 40, Section 21D.” (5-0)

**COMMENT:**        The Town Counsel submitted this article for “housekeeping” amendments to the Public Marihuana Consumption Bylaw adopted in 2009. As adopted, the Bylaw permitted enforcement through the non-criminal disposition procedure



## ARTICLE 18

## BYLAW AMENDMENT/JUNK DEALERS

**VOTED:** That Article 1 of Title VIII of the Town Bylaws be and hereby is amended by deleting Section 5 (“Junk Dealers and Collectors”) in its entirety and replacing it with the following new Section 5:

### **Section 5. Junk Dealers**

- A. License Required.** The Board of Selectmen may license suitable persons to be Junk Dealers in accordance with Sections 54, 55, and 202 through 205 of Chapter 140 of the General Laws. No person may engage in the business of purchase, sale, or barter of junk, old metals, or second-hand articles within the Town without such a license. Any licensed person must comply with the requirements of this section, as well as with any policies or procedures issued by the Board of Selectmen and any specific conditions imposed on a license by the Board of Selectmen in accordance with Paragraph (G), below.
- B. Sign Required, Premises.** Every person engaged in the business of purchase, sale, or barter of junk, old metals, or second-hand articles, keeping a shop, shall maintain in a conspicuous place in the shop a sign with the name of the owner and occupation legibly inscribed thereon.
- C. Records.**
  - (i) Transaction Record.** Every dealer licensed under this section (hereinafter, “Licensed Dealer”) shall prepare a record (hereinafter, “Transaction Record”) of the acquisition of any article, good, or item subject to licensing hereunder, regardless of the manner of acquisition. Said record shall be dated and shall include:
    - (a)** The full name, current address, date of birth, and driver’s license number or government-issued identification number of the person selling or bartering the article, good, or item that is received by the Licensed Dealer (hereinafter “Seller”);
    - (b)** A full and accurate description of the article being received, including make, model, serial number(s), and any distinguishing marks or engravings;
    - (c)** The amount paid for the article or other terms of the receipt of the article;

- (d) The full name of the employee or other person receiving the article on behalf of the Licensed Dealer;
- (e) The number assigned to the transaction under Sub-Paragraph (iii), below;
- (f) A clear photograph of the article received by the Licensed Dealer;
- (g) A photocopy of the Seller's driver's license or other government-issued identification; and
- (h) The original signature of the Seller.

If the Chief of Police issues or approves a form to be used for Transaction Reports, that form shall be used by all Licensed Dealers.

- (ii) **Transmitting Records to Police Department.** Once per week and on the same day each week, every Licensed Dealer shall transmit to the Chief of Police or his designee copies of all Transaction Records reflecting receipt of any and all articles during the previous week. If no articles were received during the previous week, the Licensed Dealer shall so notify the Chief of Police or his designee in writing. These reports shall be transmitted electronically unless alternate arrangements are made with the Chief of Police or his designee.
- (iii) **Transaction Book.** Every Licensed Dealer shall maintain a bound book (hereinafter, "Transaction Book") with sequentially numbered pages in which all transactions shall be recorded with the information required by Paragraph (i)(a)-(e), above. Each transaction shall be assigned a number in sequential order, which number shall also be printed on or affixed to the article received in the transaction.
- (iv) **Maintaining Records, Inspection.** Every Licensed Dealer shall maintain all Transaction Records and Transaction Books on site for a period of at least three years from the date of the last transaction recorded. All Transaction Records and Transaction Books shall be open to inspection by the Chief of Police or his designee at any time.

**D. Receipt of Items.**

- (i) **From Minors, Prohibited.** No Licensed Dealer shall purchase,

barter for, or otherwise acquire -- directly or indirectly -- any article from anyone under the age of 18.

(ii) **Questionable Status, Reporting.** Any Licensed Dealer receiving any article under circumstances that would cause a reasonable person in the position of the Licensed Dealer to question whether the article might be stolen shall immediately report receipt of the article to the Chief of Police or his designee and shall immediately make the article available to the Police Department for inspection and identification.

E. **Holding Period.** No Licensed Dealer shall sell, barter, exchange, encumber, remove from the premises, or otherwise dispose of any article received under this section, or disguise, secrete, or alter the appearance of any such article until 30 days have elapsed since receipt of the article and until the Transaction Record detailing the article's receipt has been transmitted to the Chief of Police or his designee.

F. **Inspections.** The shop of any Licensed Dealer and its contents regulated under this section shall be open to inspection by the Chief of Police or his designee at any time the shop is open for business.

The Chief of Police or his designee may report any violation of this section to the Board of Selectmen and/or may issue a notice of violation and penalty to the Licensed Dealer, as provided below.

G. **Enforcement.** The following penalties shall apply to violations of this section and shall be enforceable through criminal indictment or complaint under Section 21 of Chapter 40 of the General Laws or by non-criminal disposition under Section 21D of Chapter 40 of the General Laws:

1 <sup>st</sup> offense in calendar year	\$100
2 <sup>nd</sup> offense in calendar year	\$200
3 <sup>rd</sup> and subsequent offense in calendar year	\$300

In addition, for one or more violations of this section over any period of time, the Board of Selectmen may revoke any license in accordance with Section 54 of Chapter 140 of the General Laws or may impose any other sanction up to revocation, including but not limited to written warning, probation, imposition of conditions, or suspension.

(5-0)

**COMMENT:** The Police Chief requested insertion of this article to replace the existing Bylaw relating to Junk Dealers and Collectors, reproduced below:



### Section 5. Junk Dealers and Collectors

*The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metal, or second-hand articles in the town.*

*They may also license suitable persons as junk collectors, to collect, by purchase or barter, junk, old metals, and second-hand articles from place to place in the town; and they may provide that such collectors shall display badges upon their person or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in such material; and may prescribe the design thereof. They may also provide that such shops, and all articles of merchandise therein, and any place, vehicle, or receptacle used for the collection or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized thereto.*

*Every person engaged in the purchase, sale or barter of junk, old metal, or second-hand articles, within the limits of the town, shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof, the name and residence of the person from whom and the day and hour when such purchase was made. Such book shall at all times be open to the inspection of the Selectmen and of any person by them authorized to make such inspection. Every person so engaged, keeping a shop, shall maintain in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters, Such shop, and all articles of merchandise therein, may be at all times examined by the Selectmen or by any person authorized by them to make such examination. No keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor, knowing or having reason to believe him to be such; and no articles purchased or received by such shopkeeper shall be sold until at least ten days from the date of its purchase or receipt have elapsed.*

### Title VIII, Article 1, Section 5 of the Town Bylaws.

Recent experience of the Police Department has shown that the existing Bylaw is outdated and insufficient to adequately address the problem of stolen items being disposed of through sale to jewelers or other merchants who purchase second-hand personal property. Merchants who buy second-hand jewelry and other goods for resale are not always aware of licensing requirements or the provisions of state and local law that apply to them. The proposed amendments to the Bylaw will authorize the Police Department to inspect these shops and educate these merchants about legal requirements. The Police Department has recently dealt with several instances of drug-addicted or otherwise troubled young adults stealing parents' jewelry and reselling it to jewelers in Town. Unfortunately, some of the jewelry was resold before it could be recovered. By adding record-keeping and reporting requirements and increasing the current holding period from ten days to thirty days, the proposed amendments will assist police in recovering such stolen items. The Board of Selectmen recommends favorable action under this Article to amend the Bylaw as proposed.

## ARTICLE 19

## BYLAW AMENDMENT/REMOVAL OF PAINT

**VOTED:** That Article 3 of Title VIII of the Town Bylaws be and hereby is amended by deleting in its entirety Section 5 (“Removal of Paint Regulated”) and replacing it with the following new Section 5:

### **Section 5. Removal of Paint Regulated**

**A permit is required for removal of paint by abrasive blasting, which shall include machine sanding, from any interior or exterior surface of any structure within the Town of Arlington. Such permits shall be granted in writing by the Board of Health only in accordance with the Town of Arlington Board of Health Rules and Regulations for Paint Removal. Violations of this section shall be punishable by a fine of \$50 for the first offense and \$200 for any subsequent offense. This section may be enforced by non-criminal disposition in accordance with G.L. c. 40, § 21D.**

**(5-0)**

**COMMENT:** Currently, Section 5 provides as follows:

### **Section 5. Removal of Paint Regulated**

*A permit is required for removal of paint by abrasive blasting, which shall include for all purposes hereunder machine sanding, from any interior or exterior surface of any structure within the Town of Arlington. Such permits shall be granted in writing to the owner of the structure by the Board of Health only upon the following General Terms and Conditions, and subject to such other special terms and conditions as the Board of Health shall find necessary to protect the public health and welfare.*

*ART. 20, A.T.M. 4/28/99*

#### *A. Application for Permit*

*Application for permit shall be in writing, on a form provided or specified by the Board of Health. Such application shall indicate test results for lead content done by a laboratory approved by the Board of Health. This permit shall be displayed in a conspicuous location during the abrasive blasting operation. "Before commencing work on any housing built before 1978, the contractor must inform the occupants and the owner of the budding of lead paint hazards by distributing a pamphlet entitled "Protect Your Family From Lead in Your Home," of similar lead safety literature."*

#### *B. Lead Content*

*In no case will permits be issued for wet or dry abrasive blasting of the interior or exterior surfaces of structures if the test results for lead indicate the presence of lead based paint.*

#### *C. Exterior Abrasive Blasting*

*Exterior blasting in the absence of lead is allowed only under the following conditions:*

- 1. Such blasting operations shall be sufficiently shrouded to contain particulate matter from entering the ambient air space, to prevent visible emissions beyond the vertically extended property line, to prevent public exposure to particulates, and to prevent deposition of particulate matter upon public and other private property.*
- 2. There shall be no abrasive blasting whatsoever if the wind velocity exceeds twenty miles per hour.*
- 3. Enclosure(s) shall not be removed until all external surfaces, including the ground in the vicinity, are thoroughly cleaned of all loose material attributable to the abrasive blasting operation.*

#### *D. Interior Abrasive Blasting*

*Interior blasting in the absence of lead paint is allowed only under the following conditions:*

- 1. All doors, windows, or any openings to the ambient air space must be sealed and/or shrouded to prevent particulates from entering the ambient air space, to prevent visible emissions beyond the vertically ended property line, to prevent public exposure to particulates, and to prevent deposition of particulate matter upon public and other private property.*
- 2. All doors, joints, cracks and other openings adjacent to occupied offices or apartments shall be corked or otherwise sealed to prevent dust from entering said areas.*
- 3. All openings to the ambient air space must remain sealed and/or shrouded during clean-up of abrasive and abraded materials and use of a covered chute with water spray must be used if said materials are deposited from the building to a receptacle below to prevent particulates from entering the ambient air space.*

#### *E. Notification*

*The permittee shall notify the Board of Health of the starting date of abrasive blasting operation.*

#### *F. Cleanup*

*There shall be a complete cleanup of all removed paint, dust particles and/or abrasive materials within two hours of operation shutdown every day.*

#### *G. Variance from Regulations*

*The Board of Health, upon its own initiative or upon application to it by any person, after due notice and public hearing, may vary any provision of these regulations as it may deem necessary with respect to any particular*

*case when, in its opinion, the enforcement thereof would do manifest injustices or cause undue hardships, provided that the decisions of the Board shall not conflict with the spirit of these regulations. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant.*

#### *H. Enforcement*

*The permittee is responsible for compliance with all conditions and terms stated herein. Whoever violates this regulation shall be punished, for the first offense, by a fine of not less than fifty dollars nor more than one hundred dollars and for a subsequent offense, by a fine of not less than two hundred dollars nor more than five hundred dollars. For the purpose of this paragraph each day or part thereof of violation of this regulation, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.*

#### *I. Violations*

*Any of the following conditions shall be prima facie evidence of violation of this regulation:*

- 1. Visible emission of particulate matter, beyond the vertically extended property line of the owner of the property on which abrasive blasting is permitted.*
- 2. Deposition of visible amounts of particulate matter upon public or other private property.*
- 3. Failure to obtain express written permission from the Board of Health to engage in an abrasive blasting operation, or after denial of such permission.*

As written, this section prohibits all abrasive blasting of lead paint, which is present in almost all of Arlington's homes built before 1978. Such paint may be removed only by hand sanding and scraping. Since this bylaw was adopted in the late 1990s, new technology has been developed that allows for safer abrasive paint removal. Under the proposed bylaw amendment, the Board of Health would continue to require permits for abrasive paint blasting but could control the process by regulations that may be amended more easily than Town Bylaws to reflect current techniques and best practices for safe removal of paint. This bylaw change will also allow for easier implementation of new EPA rules expected this spring governing the removal of lead paint. For these reasons, the Board supports favorable action under Article 19.

## **ARTICLE 20            PAY-AS-YOU-THROW TRASH COLLECTION PROGRAM**

**VOTED:        That the Town Manager's report to Town Meeting be accepted and that Town Meeting consider implementation of a pay-as-you-throw program in**

conjunction with the next five-year plan and possible Proposition 2½ override.

(4-1)

**Ms. Rowe voted in the negative**

**COMMENT:** Under Article 33, the 2009 Town Meeting requested the Town Manager to study the implementation of a pay-as-you-throw program and make a submission to the 2010 Town Meeting. The Board of Selectmen applauds the thorough job that the Manager has done in studying the issue and supports acceptance of his report. A majority of the Board recommends assessing the 2010 Town Meeting's interest in implementation of a pay-as-you-throw program next year in conjunction with a new five-year plan and consideration of a Proposition 2½ override.

**ARTICLE 21 HOME RULE LEGISLATION/SENIOR CITIZEN SAFETY ZONES**

**VOTED:** That the Board of Selectmen be and hereby is authorized and requested to file home rule legislation to provide substantially as follows:

**“AN ACT AUTHORIZING THE TOWN OF ARLINGTON  
TO ESTABLISH SENIOR CITIZEN SAFETY ZONES**

**SECTION 1.** Notwithstanding section 2 of chapter 85 of the General Laws or any other general or special law or regulation to the contrary, the Town of Arlington may establish by order or regulation, on public ways under the care and custody of the Town, senior citizen safety zones in areas adjacent to publicly or privately owned facilities used as senior citizen housing, nursing homes, assisted living facilities, community centers at which activities are conducted for senior citizens on a regular basis, or congregate elderly facilities within the Town of Arlington.

**SECTION 2.** In a senior citizen safety zone, the Town of Arlington may, by order or regulation under the direction of the Board of Selectmen, take necessary action to reduce vehicular speed by reducing speed limits to not less than 20 miles per hour, by installing signals or appropriate signs, and/or by re-striping roadways. The Board of Selectmen may adopt and amend rules and regulations to carry out this act.

**SECTION 3.** The Town of Arlington shall notify the state traffic engineer upon the establishment of a senior citizen safety zone. The Town shall notify the state traffic engineer of any reduction of speed on a functionally classified local roadway.

**SECTION 4.** This act shall not apply to any state highway, numbered route, or functionally classified arterial road.

**SECTION 5.** This act shall take effect upon its passage.” (5-0)

**COMMENT:** This home-rule legislation is modeled on a law adopted for the City of Quincy in 2005. The legislation, if adopted for Arlington, would allow the Town to create “Senior Citizen Safety Zones” around senior citizen housing, nursing facilities, and community centers serving senior-citizen populations. In these zones, vehicular speed limits could be lowered to 20 miles per hour and other pedestrian safety features could be implemented. The Board wholeheartedly supports any measure that the Town can take to improve pedestrian safety, especially safety of older residents.

**ARTICLE 22                    HOME RULE LEGISLATION/ADDITIONAL LICENSES  
FOR THE SALE OF ALCOHOLIC BEVERAGES NOT  
TO BE DRUNK ON THE PREMISES**

**VOTED:** That the Board of Selectmen be and hereby is authorized and requested to file home rule legislation to provide substantially as follows:

**“AN ACT PROVIDING FOR A BALLOT QUESTION IN THE  
TOWN OF ARLINGTON AUTHORIZING THE GRANTING OF  
TWO ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC  
BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

**SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws, the state secretary shall cause to be placed on the November 2010 state election ballot used in the Town of Arlington the following question:**

**Shall the Board of Selectmen be authorized to grant up to two additional licenses for the sale of alcoholic beverages not to be drunk on the premises under the same terms and conditions as the three such licenses currently authorized?**

<b>YES</b>	
<b>NO</b>	

**(b) If a majority of votes cast in answer to the question is in the affirmative, then the town of Arlington shall be taken to have authorized the granting of up to two additional licenses for the sale of alcoholic beverages not to be drunk on the premises under the same terms and conditions as the three such licenses currently authorized.**

**SECTION 2. (a) If this act is not in effect at least 60 days before the November 2010 state election, section 1 shall not apply and this section shall apply. Notwithstanding section 11 of chapter 138 of the General Laws, the Board of Selectmen of the town of Arlington may cause to be placed on the ballot used at the April 2011 town election the following question:**

**Shall the Board of Selectmen be authorized to grant up to two additional licenses for the sale of alcoholic beverages not to be drunk**

**on the premises under the same terms and conditions as the three such licenses currently authorized?**

<b>YES</b>	
<b>NO</b>	

**(b) If a majority of votes cast in answer to the question is in the affirmative, then the town of Arlington shall be taken to have authorized the granting of up to two additional licenses for the sale of alcoholic beverages not to be drunk on the premises under the same terms and conditions as the three such licenses currently authorized.**

**SECTION 3. This act shall take effect upon passage.”**

**(3-2)**

**Ms. Mahon and Mr. Hurd voted in the negative.**

**COMMENT:** Under state law, the Board of Selectmen is the liquor licensing authority for the Town. Currently, the Board has authority to issue up to three licenses for the sale of alcoholic beverages to be consumed off the premises (meaning stores as opposed to restaurants). All three of these licenses have been issued.

The legislation proposed under this article, if adopted, would allow the placement of a ballot question that would authorize the Board to grant two additional licenses for the sale of alcoholic beverages for consumption off the premises (meaning two additional stores). If a majority of voters voted “yes” on the ballot question, the Board would be authorized -- but not required -- to issue up to two additional licenses. These licenses, if granted, would allow the sale of the same type of alcoholic beverages (either wine-and-malt beverages only or all alcoholic beverages) allowed under the three existing licenses at the time the question is voted on by the general electorate. (As of this writing, the three existing licenses allow the sale of wine and malt beverages only, but home-rule legislation is pending to authorize conversion of these licenses to allow sales of all alcoholic beverages.)

A majority of the Board supports the opportunity for expanded liquor sales in the Town of Arlington. The continued success of the three existing stores and the presence of approximately eleven such businesses near the Arlington border in neighboring communities indicate that the Town could support two additional licensees. Moreover, increasing geographic diversity of licensees will better serve all Arlington neighborhoods. For these reasons, a majority of the Board supports favorable action under this article.

## **ARTICLE 23**

## **HOME RULE LEGISLATION/NOELAN CORBETT**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, NOELAN CORBETT,  
TO APPLY AND BE CONSIDERED FOR APPOINTMENT TO THE  
POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.**

**Section 1.** Notwithstanding the provisions of any special or general law to the contrary, including without limitation Chapter 31 of the General Laws, Noelan Corbett, a resident of the Town of Arlington, shall be eligible for one consideration for appointment to the position of Firefighter in the Town of Arlington when his name appears on the next certification list for that position and shall be eligible for appointment to that position resulting from such consideration, notwithstanding the fact that he has attained the age of 32.

**Section 2.** This act will take effect upon its passage.”

**(4-1)**

**Ms. LaCourt voted in the negative.**  
(Mr. Corbett is 33 years old.)

**COMMENT:** This article was submitted on the request of ten registered voters to allow Mr. Corbett to take the next open, competitive civil service examination and apply for appointment as a Firefighter even though he is 33 years old. Civil Service Law, as applicable in Arlington, does not permit a candidate aged 32 or older to be appointed to as a Police Officer or Firefighter. The only mechanism for such an individual to pursue appointment is through special legislation such as that requested under this article.

While there may be individuals aged 32 and over who can perform the strenuous activities required of Police Officers and Firefighters, these positions are generally considered more appropriate for younger individuals. The Town invests significant money and time in training individuals for these jobs and expects these investments to be recouped over the course of a long public-safety career. A person who begins a career as a Firefighter or Police Officer later in life has fewer years to serve the Town before retirement. State retirement law allows public-safety personnel to retire earlier and on more favorable terms than non-public-safety personnel. Individuals in long-term public-sector, non-public-safety positions could seek public-safety employment by way of home-rule legislation such as this and, after serving only a few years, could retire with significantly higher pension benefits they otherwise would have received. The Town might be also exposed to age-discrimination suits if candidates aged 40 or over were eligible for appointment but turned down for reasons unrelated to age.

On the other hand, the Board has historically supported individual consideration of applicants on their merits. Moreover, this home-rule legislation would give Mr. Corbett only the opportunity to apply and be considered for appointment to the position of Firefighter in the next cycle of appointments. It would not guarantee him the job. He would still need to take the Civil Service examination and meet all physical fitness and other requirements for appointment.



**ARTICLE 24****HOME RULE LEGISLATION/TAX CHECK-OFF  
PROGRAM: DONATION TO THE COUNCIL  
ON AGING TRANSPORTATION FUND**

**VOTED:** That no action be taken under Article 24. (5-0)

**COMMENT:** The Board of Selectmen heartily endorses the excellent work the Council on Aging does in providing the vital service of rides for the Town's senior citizens. However, the Board is concerned that, if the Council on Aging receives the benefit of a check-off box on the tax bill to collect donations, it will be impossible to refuse similar requests from the many other fine organizations in Town that also provide valuable services to our citizens. Because there is only limited space available on tax bills, the Board regretfully declines to support the Council on Aging's request.

**ARTICLE 25****HOME RULE LEGISLATION/BANNING  
TEXTING WHILE DRIVING**

**VOTED:** That no action be taken under Article 25. (5-0)

**COMMENT:** Due to an impending change in state law expected to address the subject-matter of this article, its proponent has requested that no action be taken by Town Meeting under it.

**ARTICLE 26****HOME RULE LEGISLATION/DOUBLE  
POLE REGULATIONS AND ENFORCEMENT**

**VOTED:** The Board will report to Town Meeting under Article 26. (5-0)

**ARTICLE 27****HOME RULE LEGISLATION/GROUP INSURANCE  
COMMISSION**

**VOTED:** The Board will report to Town Meeting under Article 27. (4-1)  
Ms. Mahon voted in the negative.

**ARTICLE 28****ACCEPTANCE OF LEGISLATION/PENSION LIABILITY  
FUNDING**

**VOTED:** The Board will report to Town Meeting under Article 28. (5-0)

**ARTICLE 29****TRANSFER OF REAL ESTATE/CROSBY SCHOOL**

**VOTED:** The Board will report to Town Meeting under Article 29. (5-0)

**ARTICLE 30                      TRANSFER OF REAL ESTATE/PARMENTER SCHOOL**

**VOTED:        The Board will report to Town Meeting under Article 30.            (5-0)**

**ARTICLE 31                      DISPOSITION OF REAL ESTATE/CROSBY SCHOOL**

**VOTED:        The Board will report to Town Meeting under Article 31.            (5-0)**

**ARTICLE 32                      DISPOSITION OF REAL ESTATE/PARMENTER SCHOOL**

**VOTED:        The Board will report to Town Meeting under Article 32.            (5-0)**

**ARTICLE 33                      ACCEPTANCE OF LEGISLATION/CONSOLIDATION OF  
TOWN AND SCHOOL ADMINISTRATIVE FUNCTIONS**

**VOTED:        That the Town hereby accepts G.L. c. 71, § 37M, to allow  
consolidation of school and town administrative functions.            (5-0)**

**COMMENT:**            The Town Government Reorganization Committee of 2009 has been studying ways to make Town government functions more efficient and has recommended adoption of this local local-option legislation. This legislation allows -- but does not require -- the Town and School Department to consolidate certain administrative functions, such as finance, personnel, and maintenance. The legislation provides as follows:

***§ 37M. Consolidation of administrative functions with city or town***

*(a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law or in a town, the annual town meeting or in a town with no town meeting, the town council.*

*(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a).*

G.L. c. 71, § 37M. Even if the legislation is adopted, administrative functions may not be consolidated without a majority vote of the School Committee and a majority vote of Town Meeting. Any agreement to consolidate these functions may be undone by either a majority vote of the School Committee or a majority vote of Town Meeting or both. The

Board of Selectmen is in favor of the increased flexibility in the organization of municipal service delivery that adoption of this legislation would allow.

Because this local-option legislation authorizes, but does not require, the Town to take any particular action, its acceptance may not be revoked. See G.L. c. 4, § 4(B)(c).

**ARTICLE 34** **VOTE/CONSOLIDATION OF TOWN AND SCHOOL ADMINISTRATIVE FUNCTIONS**

**VOTED:** **The Board of Selectmen will report to Town Meeting under Article 34.**  
**(4-0-1)**  
**Ms. Mahon abstaining.**

**ARTICLE 35** **BYLAW AMENDMENT/MUNICIPAL CONFLICT-OF-INTEREST STANDARDS**

**VOTED:** **That no action be taken under Article 35.** **(5-0)**

**COMMENT:** This article was proposed in an attempt to amend the state Conflict of Interest Law, G.L. c. 268A, through amendments of the Town Bylaws.

As a general rule, Chapter 268A does not permit a “municipal employee” to act as an agent or attorney for another person before Town boards and commissions. The definition of “municipal employee” includes service on part-time elected or volunteer boards and commissions. In order to permit professionals such as attorneys, accountants, and architects to serve in such part-time positions, the Legislature has included in Chapter 268A the ability to designate some positions that allow for private employment during normal working hours as “special municipal employees.” A special municipal employee may act on behalf of private clients before Town boards other than the board on which the special municipal employee serves. For example, a member of the School Committee who is an attorney and a special municipal employee may represent a client before the Zoning Board of Appeals without violating the Conflict of Interest Law. Present special municipal employees in Arlington include members of the School Committee, Board of Assessors, and the Arlington Redevelopment Board as well as the Town Moderator. Although these employees may represent clients before other town boards and commissions, they remain subject to most parts of Chapter 268A, including its prohibition against actual and apparent conflicts of interest.

The reason for the “special municipal employee” designation is to allow professionals to volunteer for public service without jeopardizing their livelihood. With nearly 50 boards and commissions, the Town of Arlington relies heavily on volunteer service by its residents. Limiting the pool of talent available to serve in this capacity would not be in the best interest of the Town. The Legislature has carefully balanced the need for transparency in municipal government with the practical considerations of attracting volunteers to serve. The result of this balance is the “special municipal employee”

designation, which is widely used by cities and towns across the Commonwealth. Even if the Town could eliminate this designation through a bylaw amendment (and it is not clear that the Attorney General would approve such an amendment), this is not a change that would serve the Town well. For these reasons, the Board of Selectmen recommends that no action be taken under this article.

## ARTICLE 36

## BYLAW AMENDMENT/CANINE CONTROL

**VOTED:** That no action be taken under Article 36. (4-1)  
Mr. Greeley voted in the negative.

**COMMENT:** The Board of Selectmen is familiar with policy arguments both for and against amending the Town Bylaws to allow dogs to be off-leash in certain Town parks at certain times. Under the Bylaws as they currently stand, the Parks and Recreation Commission may designate certain, fenced areas under its jurisdiction as dog parks, runs, or exercise areas, in which the generally applicable leash law would not apply. (See Title IV, Article 1 Section 8; Title VIII, Article 2.) The Green Dog Subcommittee of the Parks and Recreation Commission is currently considering that option. A majority of the Board supports waiting to see what the Commission decides with respect to creating off-leash dog exercise areas. A majority of the Board also feels that behavior of dog-owners who routinely violate the leash law needs to change before a Bylaw amendment should be considered again.

## ARTICLE 37

## BYAW AMENDMENT/COMPENSATION OF SELECTMEN

**VOTED:** That no action be taken under Article 37. (5-0)

**COMMENT:** The proponent of this article has requested that no action be taken by Town Meeting under it.

## ARTICLE 38

## BYLAW AMENDMENT/ELECTRONIC PEST CONTROL DEVICES

**VOTED:** That Title V (“Regulations Upon the Use of Private Property”), Article 12 (“Noise Abatement”), Section 3 (“Daytime Only Activities”), of the Town Bylaws, be and hereby is amended by inserting the following subsection C:

**C. Bug Zappers. Operating or causing to be operated after 10 P.M. or before 7 A.M. (8 A.M. on Saturday, Sunday, or a legal holiday) any electronic device for killing, trapping, or repelling insects or other pests if such device emits audible sound beyond the line of the property on which the device is located.**

**(5-0)**

**COMMENT:** The Board of Selectmen supports favorable action under this ten-registered-voter article. It would amend the Town Bylaws to prohibit the use of so-called “bug zappers” after 10:00 p.m. or before 7:00 a.m. (or 8:00 a.m. on weekends and

holidays). This restriction would allow neighbors of people using these devices to maintain quiet enjoyment of their property during nighttime hours.

**ARTICLE 39**

**BYLAW AMENDMENT/TOWN MEETING  
WARRANT ARTICLES**

**VOTED:**      **That no action be taken under Article 39.**      **(5-0)**

**COMMENT:**      The proponent of this article would like the Town Bylaws amended to require that any proponent of a warrant article requesting adoption of local-option legislation notify Town Meeting members in writing as to when, if at all, the vote to adopt the legislation may be revisited. Generally, a Town Meeting vote to accept local-option legislation may be revoked three years after the vote. This three-year period does not apply if the legislation includes its own provision for revocation. Acceptance of some types of local-option legislation, such as legislation relating to pensions and insurance benefits or legislation that authorizes, but does not require, municipal action (see Warrant Article 33, for example) cannot be revoked.

Although the Board of Selectmen is supportive of the proponent's aim to put more information into the hands of Town Meeting members, the Board is skeptical that a bylaw amendment is an appropriate mechanism to do it. It would impose one more procedural requirement on warrant-article proponents and Board staff during the very busy time leading up to Town Meeting. The information it would require is always available to Town Meeting members by inquiry to Town Counsel. Finally, the Attorney General would likely disapprove any bylaw that would prevent warrant articles from being presented to Town Meeting for failure to comply with procedural requirements.

As an alternative to the proposed bylaw change, the Board of Selectmen will request its staff to implement a policy change under which information about the longevity of votes to accept local-option legislation will be included in the Board's Report to Town Meeting. This compromise position will advance the proponent's goal of fuller information for Town Meeting members without creating burdensome procedural requirements. For this reason, the Board recommends that no action be taken under this article.

*Due to their similar nature, the Board will address the next five articles together.*

**ARTICLE 40**

**BYLAW AMENDMENT/FIELD LIGHTS TIMING**

**ARTICLE 41**

**BYLAW AMENDMENT/SOUND AMPLIFICATION  
SYSTEMS**

**ARTICLE 42**

**BYLAW AMENDMENT/FIELD CLOSING TIMES**

**ARTICLE 43**

**BYLAW AMENDMENT/FIELD LIGHT CONFIGURATION**

## **ARTICLE 44**

## **BYLAW AMENDMENT/LIMIT NIGHT BASEBALL GAMES**

**VOTED:** That no action be taken under Article 40, Article 41, Article 42, Article 43, or Article 44. (5-0)

**COMMENT:** These five ten-registered-voter articles were all submitted by neighbors of the Veteran' Memorial Sports Complex and all address use of the skating rink and/or the lighted baseball field on the corner of Summer and Forest Streets known as "Buck Field" or other lighted baseball fields in Town. A bylaw adopted under Article 40 would require that lights at Buck Field be turned off by 9:00 p.m. A bylaw adopted under Article 41 would prohibit the use of artificial sound amplification systems in the Sports Complex. A bylaw adopted under Article 42 would require that games held at lighted baseball fields be concluded and the fields and parking lots emptied by 10:00 p.m. A bylaw adopted under Article 43 would govern the configuration of lights at such fields. Finally, a bylaw adopted under Article 44 would limit the number of night baseball games to three per week. Articles 40, 41, and 44 apply only to Buck Field. Articles 42 and 43 apply to any lighted baseball field in Town.

The Board of Selectmen is aware of the light and noise disturbances that evening games and rink usage pose to residents of the neighborhood, but does not necessarily agree that bylaw changes are the best approach to remediate those disturbances. The Parks and Recreation Commission has authority under state and local law to set rules for the use and enjoyment of Town parks. The Commission is in the process of drafting a Comprehensive Field Use Policy that will govern, among other things, lights, artificial sound amplification, and loitering after games. The Board has asked the Director of Recreation to meet with the Sports Complex neighbors and the field user groups to shape this policy. Representatives of the Arlington Youth Baseball and Softball Association (AYBSA) appeared before the Board and expressed their commitment to working with the neighbors to minimize disturbances. Currently, the Commission's field use permits require that lights be out by 10 p.m. and the AYBSA reported that it assigns a board member to every night game to ensure that this is done. The AYBSA also expressed a willingness to modify field lights if possible to direct light away from neighboring homes. The Board hopes and expects that the Commission will craft a policy that fairly balances the needs of user groups and of neighbors and includes mechanisms for enforcement. In light of the Board's expectation that this will be done, the Board recommends that Town Meeting take no action under these articles to amend the Town Bylaws.

## **ARTICLE 45**

## **REVOLVING FUNDS**

**VOTED:** That the Town does hereby reauthorize the following Revolving Funds in accordance with G.L. c. 44, § 53E<sup>1/2</sup>:

**Private Way Repair established under Article 46 of the 1992 Annual Town Meeting Expenditures not to exceed \$200,000**

<b>Beginning Balance</b>	<b>\$13,304.91</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/09</b>	<b>\$13,304.91</b>

**Public Way Repair established under Article 45 of the 1992 Annual Town Meeting Expenditures not to exceed \$5,000**

<b>Beginning Balance</b>	<b>\$1,559.21</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>1,390.81</b>
<b>Balance, 7/1/09</b>	<b>\$ 168.40</b>

**Fox Library established under Article 49 of the 1996 Annual Town Meeting Expenditures not to exceed \$20,000**

<b>Beginning Balance</b>	<b>\$12,347.35</b>
<b>Receipts</b>	<b>4,510.00</b>
<b>Expenditures</b>	<b>2,616.00</b>
<b>Balance, 7/1/09</b>	<b>\$14,241.35</b>

**Robbins House established under Article 77 of the 1997 Annual Town Meeting Expenditures not to exceed \$55,000**

<b>Beginning Balance</b>	<b>\$ 627.16</b>
<b>Receipts</b>	<b>28,610.00</b>
<b>Expenditures</b>	<b>33,354.14</b>
<b>Balance, 7/1/09</b>	<b>(\$4,116.98)</b>

**Conservation Commission established under Article 44 of the 1996 Annual Town Meeting -expenditures not to exceed \$10,000**

<b>Beginning Balance</b>	<b>\$2,847.07</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/09</b>	<b>\$2,847.07</b>

**Uncle Sam established under Article 31 of the 2000 Annual Town Meeting Expenditures not to exceed \$2,000**

<b>Beginning Balance</b>	<b>\$ 359.48</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>25.00</b>
<b>Balance, 7/1/09</b>	<b>\$ 334.48</b>

**Life Support Services established under Article 37 of the 2001 Annual Town Meeting Expenditures not to exceed \$600,000**

<b>Beginning Balance</b>	<b>\$264,069.35</b>
<b>Receipts</b>	<b>410,144.16</b>
<b>Expenditures</b>	<b>297,922.07</b>
<b>Balance, 7/1/09</b>	<b>\$ 376,291.44</b>

**Board of Health Fees established under Article 30 of the 2005 Annual Town Meeting Expenditures not to exceed \$100,000**

<b>Beginning Balance</b>	<b>\$39,395.00</b>
<b>Receipts</b>	<b>45,515.23</b>
<b>Expenditures</b>	<b>39,804.09</b>
<b>Balance, 7/1/09</b>	<b>\$45,106.14</b>

**Field User Fees- Established under Article 78 2004 Annual Town Meeting Expenditures not to exceed \$80,000**

<b>Beginning Balance</b>	<b>\$68,075.48</b>
<b>Receipts</b>	<b>24,786.25</b>
<b>Expenditures</b>	<b>39,997.03</b>
<b>Balance, 7/1/09</b>	<b>\$52,864.70</b>

**Robbins Library Rental – Established under Article 35 2006 Annual Town Meeting**

<b>Expenditures not to exceed \$8,000</b>	
<b>Beginning Balance</b>	<b>\$ 817.61</b>
<b>Receipts</b>	<b>6,475.00</b>
<b>Expenditures</b>	<b>800.00</b>
<b>Balance, 7/1/09</b>	<b>\$6,492.61</b>

**Town Hall Rental – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$75,000**

<b>Beginning Balance</b>	<b>\$ 5,076.87</b>
<b>Receipts</b>	<b>37,977.60</b>
<b>Expenditures</b>	<b>39,598.42</b>
<b>Balance, 7/1/09</b>	<b>\$ 3,456.05</b>

**White Goods Recycling – Established under Article 35 2006 Annual Town Meeting**

<b>Expenditures not to exceed \$80,000</b>	
<b>Beginning Balance</b>	<b>\$29,045.06</b>
<b>Receipts</b>	<b>65,788.71</b>
<b>Expenditures</b>	<b>56,766.52</b>
<b>Balance, 7/1/09</b>	<b>\$38,067.25</b>

**Library Vend – Established under Article 34 2009 Annual Town Meeting Expenditures not to exceed \$12,000**

<b>Beginning Balance</b>	<b>\$ 0.00</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/09</b>	<b>\$ 0.00</b>



**and that the Town further votes to establish in accordance with G.L. c. 44, § 53E½, the following additional Revolving fund:**

**A revolving fund (Gibbs School Energy Fund) to accept payments for energy costs from tenants of the Gibbs School, said sums to be expended in payment to utility companies for delivery of electricity and gas to the Gibbs School, said expenditures not to exceed \$100,000. (5-0)**

**COMMENT:** This is the usual article to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law.

#### **ARTICLE 46 ENDORSEMENT OF CDBG APPLICATION**

**VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2011 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended.**

**(4-1)**

**Mr. Greeley voted in the negative.**

#### **ARTICLE 51 AMEND PERSONNEL BY-LAW/VACATION TIME**

**VOTED: The Board of Selectmen will report to Town Meeting under Article 51.**

**(5-0)**

#### **ARTICLE 64 APPROPRIATION/TAKINGS - SAFE ROUTES TO SCHOOL - DALLIN SCHOOL AREA SIDEWALKS**

**VOTED: The Board of Selectmen supports the recommendation of the Finance Committee. (5-0)**

**COMMENT:** The Safe Routes to School Project in the Dallin School area has been approved for federal aid through the Massachusetts Department of Transportation. This project involves the placement of sidewalks in the neighborhoods around the Dallin School to facilitate safe walking to school. The Town will need to acquire certain rights to several small amounts of land to allow the appropriate installation of the sidewalks. By law, the Board of Selectmen exercises the Town's eminent domain power, but may do so only after a two-thirds vote of Town Meeting authorizing the takings and appropriating funds for them. The Board of Selectmen supports moving forward with this project to improve safety for children traveling to and from the Dallin School.